

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERIMIAH BROWN,)	
)	
Petitioner,)	Case No. 1:06-cv-879
)	
v.)	Honorable Wendell A. Miles
)	
MARY BERGHUIS,)	
)	
Respondent.)	
_____)	

JUDGMENT

In accordance with the Opinion entered this day:

IT IS ORDERED that Petitioner's application for habeas corpus be dismissed without prejudice. Petitioner may re-file his application, within the limitations period, after exhausting his available state-court remedies as to all claims. In the alternative, Petitioner may file a new petition at any time before the expiration of the limitations period raising only his exhausted claim.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED because a reasonable jurist could not conclude either that the district court erred in dismissing the petition for failure to exhaust or that the Petitioner should be allowed to proceed further. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Dated: February 2, 2007

/s/ Wendell A. Miles
Wendell A. Miles
Senior United States District Judge